

Remarks

Applicant respectfully requests reconsideration of this application as amended. No claims have been amended. No claims have been cancelled. Therefore, claims 19-37 are presented for examination.

In the Office Action, claims 19, 21, 25-26, 28, 30 and 35 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Klein (U.S. Patent No. 6,567,864) and Jones et al. (U.S. Patent No. 5,619,723) and further in view of Thompson et al. (U.S. Patent No. 6,341,342). In response, applicant submits a declaration pursuant to 37 C.F.R. § 1.131 enclosed herewith to overcome both the Klein and Thompson references.

The submitted declaration illustrates that that the present application had been conceived and reduced to practice in the United States prior to November 25, and 1996 November 4, 1997, the effective filing dates of Klein and Thompson, respectively. Reduction to practice occurs upon proof that the inventor had prepared drawings or other descriptions of the invention that are sufficiently specific to enable a person skilled in the art to practice the invention. Pfaff v. Wells Elec., Inc., 525 U.S. 55.

Therefore, applicant respectfully submits that the above rejection has been obviated since Klein and Thompson has been overcome by the enclosed 37 C.F.R. §1.131 declaration, and Jones alone does not disclose or suggest the present invention.

Claims 20, 22, 29, 31, 34 and 36 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Klein (U.S. Patent No. 6,567,864) and Jones et al. (U.S. Patent No. 5,619,723) and Thompson et al. (U.S. Patent No. 6,341,342) and further in view of Anderson (U.S. Patent No. 5,905,910). In addition, claims 23, 24, 32 and 33 stand rejected under 35 U.S.C §103(a) as being unpatentable over Klein (U.S. Patent No. 6,567,864) and Jones et al. (U.S. Patent No. 5,619,723) and further in view of Jenkins (U.S. Patent No. 4,047,157). Further, claim 37 stands rejected under 35 U.S.C §103(a) as being unpatentable over Klein (U.S. Patent No. 6,567,864) and Jones et al. (U.S. Patent No. 5,619,723) and further in view

of Thompson et al. (U.S. Patent No. 6,341,342) and Mizuno et al. (U.S. Patent No. 5,608,891).

For the reasons stated above with respect to claims 19, 21, 25-26, 28, 30 and 35, applicant respectfully submits that the above rejections have also been obviated because of the enclosed 37 C.F.R. §1.131 declaration.

Applicant emphasizes that submission of the enclosed declaration pursuant to 37 C.F.R. §1.131 should not be construed as an acquiescence to the any of the reasons for rejection set forth in the October 17, 2003 Office Action.

Applicant respectfully submits that the rejections under 35 U.S.C. § 103(a) have been overcome, and withdrawal of these rejections is respectfully requested. Applicant submits that Claims 19-37 are now in condition for allowance and such action is earnestly solicited.

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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Mark L. Watson
Reg. No. 46,322

12400 Wilshire Boulevard
7th Floor
Los Angeles, California 90025-1026
(303) 740-1980